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APPLICATION NO.			Washington, D.C. 2023	ATENTS AND TRADEMAN
	FILING DATE	FIRST NAMED INVENTOR		
09/966,740	10/01/2001	Keiiti Ogura	ATTORNEY DOCKET NO.	CONFIRMATION NO
26171 759	90	лени Одија	12732-077001/US5246	3604
FISH & RICH	01/29/2003			
1425 K STREET	C. N.W.			
11TH FLOOR			EXAMI	NER
WASHINGTON	, DC 20005-3500		DONG, DALEI	
			ART UNIT	PAPER NUMBER
			2875	TOMBER
			DATE MAILED: 01/29/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

The MAILING DATE of this communication appears on the cover sheet with the correspondence address — A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE I MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION Is all the proof to reply sended seave the intelligence of the cover sheet with the correspondence address — A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE I MONTH(S) FROM Is all the proof to reply sended seave the intelligence of the communication of the proof to reply and the communication of the proof to reply and the communication of the proof to reply sended seave the intelligence of the communication of the proof to reply sended seave the intelligence of the communication to be present and the proof to reply sended seave the intelligence of the communication of the proof to reply sended seave the intelligence of the communication of the proof to reply sended seave the intelligence of the communication of the proof to reply sended seave the intelligence of the communication of the proof to reply sended seave the intelligence of the communication of the proof to reply sended seave the intelligence of the communication to the proof the pr		i -	Application No.		
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Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. 4) Claim(s)					
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Application/Control Number: 09/966,740

Art Unit: 2875

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-49 are, drawn to a light emitting device, classified in class 313, subclass I. 506.
- Claims 50-55 are, drawn to a method of manufacturing a light emitting device, II. classified in class 427, subclass 66.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and Group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the product of a light-emitting device can be manufacturing by a different process such as the process recited by U.S. Patent No. 5,952,037 to Nagayama. Invention of Group II is classified in a different class and subclass, therefore provides extra burden upon the Examiner and thus restriction is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for G r-roses as mulcated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventor is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalei Dong whose telephone number is (703)308-2870. The examiner can normally be reached on 8 A.M. to 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703)305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7722 for regular communications and (703)308-7724 for After Final communications.

Any inquiry of a general nation

remainded or proceeding

should be directed to the receptionist whose telephone number is (703)308-0956.

D.D.

January 24, 2003

Supervisory Patent Examiner

Technology Center 2800